

## PROCEDURE FOR PUBLIC HEARING APPLICATION VARIANCE

- A. Complete application form.
  - (1) Applicant must be owner of property or agent of the owner.
  - (2) Include any required attachments.
- B. Submit fee to cover administration/advertisement costs as follows:
  - (a) Variance.....\$176.00  
(\*Includes \$1.00 filing fee per MS Code §25-60-5)
- C. Sufficient applications submitted by the third Tuesday of one month will be placed on the Planning Commission's agenda for the second month after submittal.
- D. Public Notice will be published in a local paper of general circulation not less than fifteen (15) days prior to the date for the public meeting before the Planning Commission. All adjoining properties of the property under consideration will be notified by first class mail. Such notices will be mailed not less than fifteen (15) days prior to the public hearing. The Planning Director will submit the findings and the recommendations of the Planning Commission to the City Clerk not later than one (1) week prior to the next available Council meeting for placement on the City Council Agenda.
- E. The Gautier City Council will act on the application at the next available time on their agenda before final approval or rejection of application.
- F. If approved, application for the proper permit for the use intended shall be made through the City of Gautier Planning Department.

PLANNING DEPARTMENT  
PUBLIC HEARING APPLICATION

Public Hearing Number

[Empty box for Public Hearing Number]

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>		<u>FEE:</u>
Variance _____		\$176.00
*Includes \$1.00 filing fee per MS Code §25-60-5		

Name of Applicant: \_\_\_\_\_

Name of Business: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_ Mailing Address (if Different): \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Reason for request, location and intended use of Property: \_\_\_\_\_

ATTACHMENTS REQUIRED AS APPLICABLE:

- \_\_\_\_\_ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- \_\_\_\_\_ 2. A detailed project narrative.
- \_\_\_\_\_ 3. Copy of protective covenants or deed restrictions, if any.
- \_\_\_\_\_ 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- \_\_\_\_\_ 5. Any other information requested by the Planning Director.

Signature of Applicant: \_\_\_\_\_ Date of Application: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>	
Date Received _____	Verify as Complete _____
Fee Amount Received _____	Initials of Employee Receiving Application _____

I, \_\_\_\_\_, the fee simple owner of the following described property (give legal description):


hereby petition to the City of Gautier to *Grant a Variance of* \_\_\_\_\_

\_\_\_\_\_ in \_\_\_\_\_

and affirm that \_\_\_\_\_ is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

\_\_\_\_\_  
(Owner's Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification and who did take an oath.

\_\_\_\_\_  
(Printed Name of Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

Commission # \_\_\_\_\_. My commission expires \_\_\_\_\_.

(Notary's Seal)

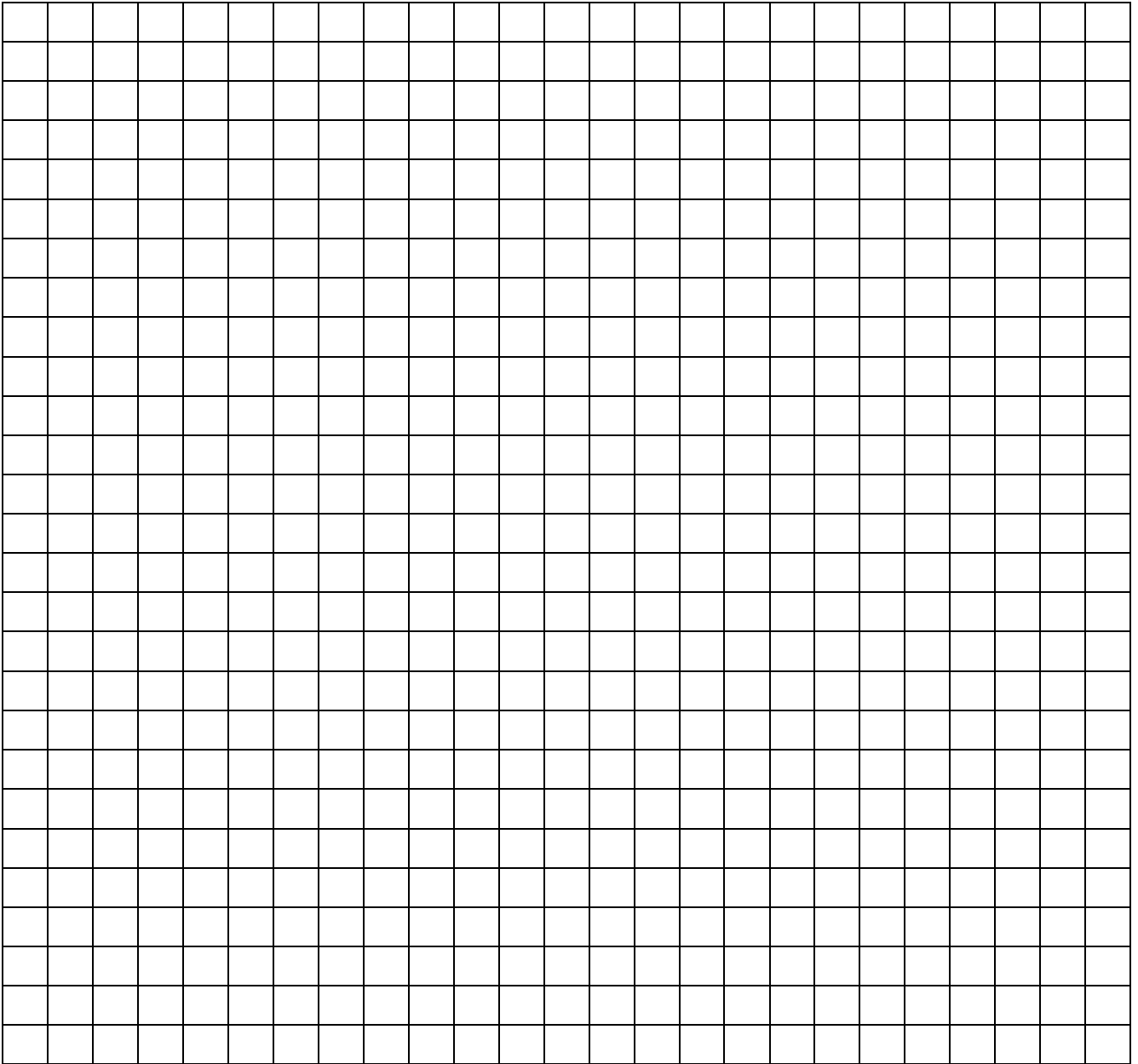
# VARIANCE

## Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?
2. Are these special conditions and circumstances a result of your actions? Explain.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.



# DIAGRAM



# EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE CONCERNING VARIANCES

## SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the Planning Commission; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

### 4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion a property within the past twelve (12) months.

### 4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the "*Public Hearing Application*" available from the Planning and Economic Development Department and shall contain:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- B. Legal descriptions and street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, or requests for approval from other agencies such as, but not limited to the MS State Department of Health, Mississippi DEQ, Corp of Engineers, and Department of Marine Resources
- E. A Detailed Project Narrative
- F. Any other information requested by the Economic Development Director and/or members of the Technical\_Review Committee

### 4.18.3 Administrative Variances

Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 8.6. The following dimensional variances may be granted by the ED Director at his/her discretion:

A. 30% of required off-street parking spaces and/or

B. 30% of required setbacks from property lines

#### 4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.